

REAL ESTATE COMMISSION[193E]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 543B.9 and 543B.18, the Real Estate Commission hereby amends Chapter 14, "Seller Property Condition Disclosure," Iowa Administrative Code.

The amendments to subrule 14.1(6) require that Seller(s) and Buyer(s) acknowledge the delivery and receipt of the "Iowa Radon Home-Buyers and Sellers Fact Sheet" informational pamphlet provided by the Iowa Department of Public Health concerning radon gas. The amendments also change the listed order of the items for which the Buyer(s) acknowledges receipt.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 8057B** on August 26, 2009. Comments were received from the public and changes were made as a result of the comments received. In the amendments published under Notice, the licensee, Buyer(s), and Seller(s) were to acknowledge receipt of the informational pamphlet. As a result of public comment received at the hearing on September 15, 2009, the Commission removed the requirement that licensees acknowledge receipt of the pamphlet.

These amendments were adopted by the Commission on October 22, 2009.

These amendments shall become effective on December 23, 2009.

These amendments are intended to implement Iowa Code sections 543B.9 and 543B.18.

The following amendments are adopted.

ITEM 1. Amend subrule **14.1(6)**, Residential Property Seller Disclosure Statement, section entitled "Seller(s) Disclosure," as follows:

SELLER(S) DISCLOSURE:

Seller(s) discloses the information regarding this property based on information known or reasonably available to the Seller(s).

The Seller(s) has owned the property since ____/____/____. The Seller(s) certifies that as of the date signed this information is true and accurate to the best of my/our knowledge.

Seller(s) acknowledges requirement that Buyer(s) be provided with the "Iowa Radon Home-Buyers and Sellers Fact Sheet" prepared by the Iowa Department of Public Health.

Seller_____ Seller_____

Date ____/____/____ Date ____/____/____

ITEM 2. Amend subrule **14.1(6)**, Residential Property Seller Disclosure Statement, section entitled "Buyer(s) Acknowledgment," as follows:

BUYER(S) ACKNOWLEDGMENT:

Buyer(s) acknowledges receipt of a copy of this Real Estate Disclosure Statement. This statement is not intended to be a warranty or to substitute for any inspection ~~the buyer(s)~~ Buyer(s) may wish to obtain.

Buyer(s) acknowledges receipt of the "Iowa Radon Home-Buyers and Sellers Fact Sheet" prepared by the Iowa Department of Public Health.

Buyer _____ Buyer _____
Date ____/____/____ Date ____/____/____

[Filed 10/22/09, effective 12/23/09]

[Published 11/18/09]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/18/09.